

HART COUNTY, GEORGIA

County Employee Handbook Personnel Policies and Procedures



WELCOME

This Handbook brings together in one source what you should know about the procedures, policies, compensation and benefits affecting you as an employee. It is the County's hope that you find this Handbook interesting, useful and informative. However, if you have any questions about any of these procedures and policies, do not hesitate to ask your supervisors or the Board staff. Whether you are just joining the County or are a current employee, the County looks forward to working with you.

None of the procedures, policies or benefits in this Handbook are intended by reason of their publication to confer any rights or privileges upon you, or to entitle you to be or remain employed by the county. This Handbook's contents are presented as a matter of information only, and the procedures and policies described herein are not binding employment conditions.

Any employee may voluntarily leave employment and may be terminated by the County at any time for any or no reason with or without notice. Any oral or written statements to the contrary are expressly disavowed and should not be relied upon by a prospective or current employee. This Handbook's contents are subject to change at any time with or without notice at the County's sole discretion.

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SECTION 1
Introduction

1.1 Adoption

The Hart County Personnel Policies and Procedures (hereinafter "Personnel Policies") was adopted by the Hart County Board of Commissioners superseding any previous rules, policies or other personnel administration practices.

1.2 Establishment and Purpose

These personnel policies and procedures have been voluntarily established by the Board of Commissioners and constitutional officers of the county. The policies are intended to standardize personnel practices and establish uniform benefits in the various county departments. If adopted by the constitutional officers in Hart County, those officers do not relinquish their constitutional authority, nor do they create a property or liberty interest which would entitle an employee to continued employment in any manner. Neither are these policies intended to be an employment contract, but simply general guidelines, which may not be adhered to in every case.

1.3 Coverage

These policies apply to the covered employees in the departments of all participating officials in Hart County. These policies and procedures may be adopted by constitutional officers of the county, but their adoption does not define the employment relationship between themselves and their employees. Personal staff and policymakers are not covered employees, and any constitutional officer adopting these policies shall determine which employees should be excluded.

1.4 Administration

In general, department heads are responsible for administering these policies in their respective departments. The County Administrator will directly administer these policies for departments governed by the Board of Commissioners and provide administrative support to those departments supervised by constitutional officers. The County Administrator shall be the sole administrator of these policies in all departments. All actions of the County Administrator in administering these policies are subject to review by the Board of Commissioners.

Notwithstanding anything else contained in these personnel policies, the Board of Commissioners shall not have the authority to compel the Hart County Board of Tax Assessors to hire, fire, or reinstate any member of the certified appraisal staff. The Board of Commissioners acknowledges that the Board of Assessors has authority to hire and fire its employees within positions approved by the Board of Commissioners and with adherence to County classification and pay scales. (Amended Nov. 14, 2006)

1.5 Qualification

Hart County is an "at-will" employer and does not intend to create a civil service system as authorized by O.C.G.A. §36-1-21. Both the employee and the county retain the right to terminate the employment relationship at any time with or without cause.

1.6 Distribution

The Personnel Policies will be printed and distributed to each covered employee. The department head shall be responsible for ensuring that the Personnel Policies are distributed to each covered employee. Every covered employee must acknowledge by signature that he/she has reviewed and understood the Personnel Policies.

1.7 Revisions

This Handbook's contents are subject to change at any time with or without notice at the County's sole discretion.

Section

2

Standard of Conduct

2.1 General Standards

Employees of Hart County are in a special category as public employees whose wages and salaries are paid by the taxpayers. Thus, we owe our allegiance to the county as well as each and every taxpayer; we must assure that the Hart County taxpayers "get their money's worth." County employees must adhere to high moral and ethical standards in our work for the county and personal conduct. When off-duty conduct affects or brings discredit on the county government, it becomes a legitimate concern of the county, and could result in disciplinary action, including dismissal.

County employees are expected to comply with all statutes, ordinances and regulations of the federal, state and local governments.

2.2 Equal Employment Opportunity

The county employs, retains, promotes, terminates and otherwise treats all employees and job applicants without regard to sex, race, religion, national origin, pregnancy, age, marital status, or handicap/disability.

The county recognizes the need to maintain affirmative human resource measures to ensure equal employment opportunities in all aspects of employment conditions and decisions. It is the responsibility of every employee to abide by and carry out the letter, spirit and intent of the county's equal employment opportunity commitment in that:

- (a) It is prohibited for any employee to refuse to hire, train, promote or provide equitable employment conditions to any employee or applicant, or to discipline or terminate an employee solely on the basis of race, national origin, age (over 40), sex, marital status, religious beliefs or physical handicap except when business necessity or a bona fide occupational qualification can reasonably be established.

(b) It is prohibited for any employee or other agent to engage in the following discriminatory conduct:

(1) Race, National Origin, and Religion. Making statements, jokes or committing acts regarding a particular race, ancestry or religion that are regarded as derogatory, offensive, prejudicial or harassing.

(2) Sex/Sexual Harassment/Marital Status. Intimidating or interfering with an employee's work or work environment, through unwelcome, offensive or harassing sexual comments, questions or acts (implicit or explicit), including prejudicial statements or acts regarding pregnancy or marital status.

Employees who believe they have been harassed by an employee, supervisor or agent should promptly report the facts of the incident(s), including the names of the individuals involved, to their supervisor or, in the alternative, to the County Administrator when the harasser is the person to whom the complaint should be initially brought. Supervisors should immediately report any incidents of sexual harassment to the County Administrator. Any questions regarding this policy should be directed to the County Administrator (see Section 2.17)

2.3 Use of Privileged Information

Many county employees deal with plans or programs of significant public interest. If your work involves such plans or programs, you must not distribute this information to your friends and acquaintances or use this privileged information to your own advantage. If you have an outside financial interest which could be affected by county plans or activities, you should immediately report such a conflict to your supervisor. Each employee has the responsibility to prevent the release of information relating to the county unless approved by his/her department head.

2.4 Contacts with the Public

When county employees have contact with the public, they must do so in a courteous manner. No employee shall use profane or offensive language or show anger or disrespect to a member of the public. All employees shall conduct themselves in a manner that reflects credit upon their department and the county government.

2.5 Outside Employment

No employee shall engage in any other employment, in any private business, or conduct a profession: (1) during hours when he/she is on duty at their county job; or (2) when off-duty if such enterprise adversely affects the county.

2.6 Purchase

No employee may buy or charge any purchase to the county without first submitting a requisition request to the County Administrator for approval; if the request is approved, a purchase order shall be issued.

2.7 Gifts and Gratuities

No employee shall solicit, accept or agree to receive any gift, gratuity, or favor, which induces the reasonable belief that it will influence your performance or failure to perform any official action.

2.8 Intoxicants (Revised 7-9-02; 9-11-02; 9-4-03)
(8-11-09) (4-8-14)

**Hart County
Zero Tolerance Substance Abuse Policy**

Hart County is dedicated to providing safe, dependable, and economical transportation services to its patrons. Hart County employees are a valuable resource and it is also our goal to provide a safe, healthy and satisfying working environment for our employees. In meeting these goals, it is our policy to:

- Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner;
- Create a workplace environment free from the adverse effects of drug abuse and/or alcohol misuse;
- Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances;
- Encourage employees to seek professional assistance when substance abuse adversely affects their ability to perform their assigned duties.


This Substance Abuse Policy implements a drug and alcohol testing program for all safety-sensitive employees. Each employee shall be provided a signed copy of the adopted policy. Policy items implemented under the authority of Hart County are underlined throughout this policy. All other policy items are implemented under the authority of the US DOT and/or the Federal Transit Administration.

Per Hart County authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.

This policy is approved by Hart County Board of Commissioners and is effective on April 8, 2014.

Name: LAWANA KAHN

Title: COUNTY CLERK/HR GENERALIST

Signature: 

Date: April 8, 2014

December 2013

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1. Background

Pursuant to the Omnibus Transportation Employee Testing Act of 1991, the Federal Transit Administration (FTA) published regulations prohibiting drug use and alcohol misuse by transit employees and required transit agencies to test for prohibited drug use and alcohol misuse.

49 Code of Federal Regulations Part 655, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations" mandates urine drug testing and breath alcohol testing for all employees in safety-sensitive positions. These regulations prohibit the performance of safety-sensitive functions when there is a positive drug or positive alcohol test result or an employee refuses to submit to DOT required drug or alcohol testing.

In addition, the U.S. Department of Transportation (DOT) has issued 49 CFR Part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs" to provide uniform procedures and standards for conducting drug and alcohol testing programs. The drug and alcohol testing program of Hart County will be conducted in accordance with 49 CFR Parts 40 and 655, as amended. Employees may request copies of the applicable regulations by contacting Hart County designated employer representative listed in Section 32 of this policy.

2. Purpose

This policy is established to comply with FTA drug and alcohol testing requirements to ensure employee fitness for duty, and to protect our employees, passengers, and the general public from the risks posed by the use of alcohol and prohibited drugs. This policy is also intended to comply with and incorporate 49 CFR Part 29, The Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA, including the reporting of employees convicted of criminal drug offenses that occur in the workplace.

3. Covered Employees

This policy applies to all safety-sensitive transit system employees as identified and described herein. Paid part-time employees and contractors, when performing safety-sensitive duties, are also covered by this policy when performing any Hart County related business. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Additionally, this policy applies to volunteers who perform safety sensitive duties who are required to hold a Commercial Driver's License, or who receive remuneration in excess of his or her actual expenses incurred while engaging in the volunteer activity. This written policy shall be distributed to all employees and applicable volunteers in safety-sensitive positions. Adherence to this policy

and its provisions are a condition of employment in a safety sensitive position; per 49 CFR Part 655.

Safety-Sensitive Employees and Applicants for Safety-Sensitive Positions covered by this Policy include those who:

1. Operate a revenue service vehicle, including when not in revenue service
2. Operate a non-revenue service vehicle when such is required to be operated by a holder of a commercial driver's license
3. Control the movement/dispatch of a revenue service vehicle
4. Perform maintenance on a revenue service vehicle or equipment used in revenue service
5. Carry a firearm for security purposes
6. May perform any of the above safety sensitive functions in a supervisory or training role.

Any provisions set forth in this policy that are included under the sole authority of the Hart County and are not provided under the authority of the above named Federal regulations are underlined.

A list of safety-sensitive positions who perform one or more of the above mentioned duties is provided in Attachment A. Hart County employees who do not perform safety-sensitive functions are also covered under this policy under the sole authority of the Hart County.

4. Prohibited Substances

Prohibited substances addressed by this policy include the following.

Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines (including methamphetamine and ecstasy), opiates (including heroin), phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all covered employees be tested for marijuana, cocaine, amphetamines (including methamphetamine and ecstasy), opiates (including heroin), and phencyclidine. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.

Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. An alcohol test may only be performed on a covered employee under 49 CFR Part 655 just before, during, or just after the performance of safety-sensitive job functions. Under Hart County authority, a non-DOT alcohol test can be performed any time a covered employee is on duty.

5. Prescription and Over the Counter Medications

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. A legally prescribed drug means a prescription or other written approval from a physician for the use of a drug by an individual in the course of medical treatment. However, the use of any substance which carries a warning label that indicates mental functioning, motor skills, or judgment may be adversely affected must be reported to supervisory personnel and medical advice must be sought, before performing safety sensitive duties.

The misuse or abuse of legally prescribed drugs is prohibited; this includes the use of medication that is prescribed to another individual as well as illegally obtained prescription drugs.

Hart County strongly encourages employees to inform their prescribing physician of the safety-sensitive job functions that they perform, in order to ensure that appropriate medications are prescribed.

6. Prohibited Conduct

1) All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.

2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline for not fulfilling his/her on-call responsibilities.

3) The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol

4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater regardless of when the alcohol was consumed.

5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.

6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

7) Hart County, under its own authority, also prohibits the consumption of alcohol at all times the employee is on duty, or anytime the employee is in uniform.

8) Consistent with the Drug-free Workplace Act of 1988, all Hart County employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

7. Employee Protections

The procedures that will be used to test for the presence of prohibited substances or misuse of alcohol shall be such that they protect the employee's privacy, the validity of the testing process and the confidentiality of the test results.

All urine drug testing and breath alcohol testing will be conducted in accordance with applicable with 49 CFR Part 40, as amended. All urine specimen collections, analysis and reporting of results shall to be in accordance with 49 CFR Part 40, as amended.

Drug and alcohol testing shall be conducted in a manner that will ensure the highest degree of accuracy and reliability using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (HHS). A drug test can be performed any time a covered employee is on duty. An alcohol test may only be performed just before, during, or just after the performance of a safety-sensitive job function. Under Hart County authority, a non-DOT alcohol test can be performed any time a covered employee is on duty.

All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with Hart County. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and terminated.

Alcohol initial screening tests will be conducted using a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing Device (EBT) or non-evidential alcohol screening device that has been approved by NHTSA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. Confirmatory tests for alcohol concentration will be conducted utilizing a NHTSA approved EBT. The confirmatory test will be conducted at least fifteen minutes after the completion

of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.

The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to the [Agency] Drug and Alcohol Program Manager (DAPM). If a legitimate explanation is found, the MRO will report the test result as negative to the DAPM and no further action will be taken.

If the test is invalid without a medical explanation, a retest will be conducted under direct observation.

Except as required by law or expressly authorized in this section, Hart County shall not release employee information that is contained in records maintained per 49 CFR section 655.73, as amended.

8. Employee Responsibility to Notify Hart County of Criminal Drug Conviction

It is a violation of this policy for any employee to fail to immediately notify Hart County of any criminal drug statute conviction, or a finding of guilt whether or not adjudication is withheld, or the entry into a diversionary program in lieu of prosecution. Violating employee shall be immediately removed from safety sensitive duties.

Per Hart County authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.

9. Employee Training

Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.

All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

10. Pre-employment Drug and Alcohol Background Checks

In compliance with 49 CFR Part 40.25, Hart County must make a good faith effort to obtain drug and alcohol testing records from prior DOT covered employer(s) for the previous two years for all applicants seeking safety-sensitive positions and all current employees transferring into a safety-sensitive position. Hart County will require each applicant/transferee to a safety-sensitive position to complete a written consent that allows the release of drug and alcohol testing information from previous DOT covered employers to Hart County in the previous two years. An applicant/transferee who refuses to provide written consent will not be permitted to perform safety-sensitive functions for Hart County.

All safety-sensitive applicants who have previously failed a DOT pre-employment test must provide proof that they have completed a Substance Abuse Professional's evaluation, treatment and return to duty process in addition to a pre-employment drug test with negative results, prior to their employment into a safety-sensitive job function. The credentials, training and education of the Substance Abuse Professional must meet the requirements of 49 CFR Part 40 Subpart O.

11. Pre-Employment Testing

All safety-sensitive position applicants shall undergo a urine drug test prior to placement in a safety sensitive position. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. Hart County must be in receipt of a verified negative urine drug test result prior to the applicant's performance of any safety sensitive function. A cancelled test result will require an applicant to undergo a subsequent pre-employment urine drug test, until a negative test result can be obtained.

If an applicant's pre-employment urine drug test result is verified as **positive**, the applicant will be excluded from consideration for employment per Hart County authority.

An employee returning from an extended leave period of 90 consecutive days or more, and whose name was removed from the random testing selection pool during that time, will be subject to a pre-employment urine drug test. Hart County must be in receipt of a negative drug test result prior to the employee being reinstated to safety sensitive duty.

All applicants/transferees are required to provide a written release allowing Hart County to request from prior USDOT-regulated employers information regarding the applicant's drug and alcohol testing results over the previous two years. Failure to do so will result in the employment offer being rescinded. If the applicant has tested positive or refused to test on a pre-employment test for a DOT covered employer, the applicant must provide [Agency] proof of having successfully completed a referral evaluation and treatment plan as described in Section 655.62 of subpart G.

12. Random Testing

Employees in safety-sensitive positions shall be subject to random, unannounced testing. The minimum annual percentage rate for random alcohol testing shall meet the requirements as defined in 49 CFR Part 655, as amended.

The administering of random testing shall be spread reasonably throughout the calendar year and throughout all times of day when safety-sensitive functions are performed. Each covered employee who is notified of selection for random alcohol or drug testing shall immediately proceed to the testing site.

Random alcohol testing may only be conducted while an employee is performing a safety-sensitive function or just before the employee is to perform a safety-sensitive function or just after the employee has performed a safety-sensitive function. However, under the Hart County authority, a non-DOT random alcohol test may be performed any time the covered employee is on duty.

Random urine drug testing may be conducted anytime while an employee is on duty or on call to perform safety sensitive functions.

The selection of employees for random alcohol and drug testing shall be made by a scientifically valid method. The selection process shall provide each covered employee an equal chance of being tested each time selections are made. A computer based random number generator that is fair and equitable for the covered employees shall derive the list.

13. Reasonable Suspicion Testing

All Hart County covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test may only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under Hart County's authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.

Hart County shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall be terminated.

A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to Hart County.

14. Post-Accident Testing

Fatal Accident: A safety-sensitive employee shall be required to undergo urine drug and breath alcohol testing if involved in an accident that results in a fatality (regardless of whether the vehicle is in revenue service). As soon as practical following an accident involving the loss of human life, surviving covered employees shall undergo drug and breath alcohol testing. Any other employee(s), i.e., maintenance personnel, dispatchers, controllers, whose performance could have contributed to the accident, shall also be tested.

Non-Fatal Accident: A post-accident test shall be conducted if an accident results in injuries requiring immediate medical treatment away from the scene, *OR* if one or more vehicles incurs disabling damage that requires towing from a

site; unless Hart County determines, using the best information available at the time of the decision, that the employee's performance can be completely discounted as a contributing factor to the accident. Any other safety sensitive employee whose performance could have contributed to the accident shall be tested. The decision regarding whether the employee's performance could have contributed to the accident will be made in the sole discretion of Hart County using the best information available at the time of the decision.

Following an accident, the employee must be "readily available" for testing. Post accident tests will be done as soon as possible, all reasonable efforts shall be made to test the safety sensitive employee(s) within (2) two hours of the accident. If a post-accident alcohol test has not been performed within two hours of the accident, [Agency] must prepare and maintain on file, a record stating the reason for the delay. A post-accident test may not be performed after eight (8) hours for alcohol testing and thirty two (32) hours for drug testing. If a drug or alcohol test required by this section is not administered within the required time period following the accident, Hart County shall prepare and maintain on file, a record stating the reasons the testing was not promptly administered and efforts to conduct testing shall cease.

Any safety-sensitive employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until the employee undergoes a post-accident alcohol test. Any safety-sensitive employee who leaves the scene of the accident without a justifiable reason or explanation prior to submitting to drug and alcohol testing, shall be considered to have refused the test.

The post-accident testing requirements shall not delay necessary medical attention for injured persons, nor will they prohibit an employee who was performing a safety-sensitive function from leaving the scene of an accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

In the rare event that an employee is unable to submit to a post-accident test within the required time period (i.e., 8 hours for alcohol and 32 hours for drugs) due to circumstances beyond Hart County's control, the results of a blood, urine or breath alcohol test conducted by a federal, state or local official having independent authority for the test, will be considered to meet the requirements for a post-accident test. The test must conform to the applicable federal, state, or local testing requirements and the results must be obtained by Hart County. (Per 49 CFR Part 655.44)

15. Return-to-Duty Testing

Hart County will terminate the employment of any employee that tests positive or refuses a test. However, in the rare event an employee is reinstated with court order or other action beyond the control of the transit system, the employee must complete the return-to-duty process prior to the performance of safety-sensitive functions. All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol

(below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. For an initial positive drug test a Return-to-Duty drug test is required and an alcohol test is allowed. For an initial positive alcohol test a Return-to-Duty alcohol test is required and a drug test is allowed. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undue concerns for public safety.

16. Follow-up Testing

Covered employees that have returned to duty following a positive or refused test will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty test. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

17. Refusal to Submit to Urine Drug Testing

All safety-sensitive employees will be subject to urine drug testing and breath alcohol testing as described in sections 10-16. An employee who fails to cooperate with the testing process or attempts to thwart the testing process will be considered to have "refused testing". Refusal to submit to DOT required testing is a violation of this substance abuse policy.

Per Hart County authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.

The following actions constitute a "refusal to test" in accordance with 49 CFR Part 40, as amended:

- (1) Fail to appear for any test within a reasonable time (except a pre-employment test), as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer.
- (2) Fail to remain at the testing site until the testing process is completed (after the process has been started)
- (3) Fail to attempt to provide a urine specimen for any drug test required by this part or DOT agency regulations
- (4) In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen
- (5) Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
- (6) Fail or decline to take an additional drug test the employer or collector has

directed you to take

(7) Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by Hart County

(8) Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).

(9) For an observed collection, fail to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.

(10) Possess or wear a prosthetic or other device that could be used to interfere with the collection process.

(11) Admit to the collector or MRO that you adulterated or substituted the specimen.

(12) If the MRO reports that there is a verified adulterated or substituted test result.

(13) A covered employee who leaves the scene of an accident without a legitimate explanation prior to submission to drug/alcohol tests.

Refusals to test will result in employee's immediate removal from safety sensitive duties and a referral to a Substance Abuse Professional that has knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders, and who meets the qualifications outlined in 49 CFR Part 40.281 Subpart O.

18. Observed Urine Drug Collections

Observed collections are required in the following circumstances:

- Anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90°F - 100°F;
- Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with;
- Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
- Anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid and the MRO determined that there was not an adequate medical explanation for the result;
- Anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed.
- The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL

but less than or equal to 5 mg/dL, and the MRO reported the specimen as negative-dilute and that a second collection must take place under direct observation.

- All follow-up tests;
- All return-to-duty tests.

During an observed collection, the employee who is being observed will be required to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show the collector, by turning around, that they do not have a prosthetic device. The collector/observer, a person of the same gender, must witness the employee's urine leave the body and enter the collection cup.

19. Specimen Validity Testing

Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. Specimen validity testing is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

20. Dilute Test Results

Upon receipt of **negative-dilute** pre-employment and random drug test results, Hart County will exercise the right to require that applicants/employees submit to a secondary urine collection as provided in 49 CFR Part 40.197. The result of the second urine drug test will be accepted as the final result. Hart County will exercise this right uniformly for all pre-employment and random tests that produce a negative-dilute test result.

Upon receipt of a **positive-dilute** urine drug test result, Hart County will immediately remove the employee from safety sensitive duty and provide the employee with a referral to a DOT qualified Substance Abuse Professional. A positive dilute result is always deemed as a final positive result.

Per Hart County authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.

21. Medical Review Officer's Role and Responsibilities

The designated Medical Review Officer (MRO) shall be a licensed physician (doctor of medicine or osteopathy) with knowledge of drug disorders. Hart County shall use the following MRO:

Name of MRO: Neil J. Dash, M.D.

Doctors Review Services

Address: 546 Franklin Avenue

Massapequa NY 11758

Phone Number: 919 489-5407

Fax Number: 919 490-1010

Additionally, the MRO cannot accept an assertion of consumption of a hemp food product as a basis for verifying a confirmed marijuana (THC) test result as a negative. Consumption of a hemp food product is not to be considered a legitimate medical explanation for a prohibited substance or metabolite in an individual's specimen.

An employee shall be notified by the MRO of a laboratory confirmed positive test and a verification interview will be conducted with the employee, by the MRO in accordance with 49 CFR Parts 40.131, through 40.141

22. Verified Positive Results

MRO verified positive urine drug tests will result in immediate removal from safety sensitive duties and a referral to a Substance Abuse Professional that has knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders, and who meets the qualifications outlined in 49 CFR Part 40.281 Subpart O, will be provided to employee.

Per Hart County authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.

23. Cancelled/Invalid Test Results

A drug test that has been declared cancelled by the Medical Review Officer, because the specimen was invalid or for other reasons, shall be considered neither positive nor negative. Additionally, a specimen that has been rejected for testing by the laboratory is reported by the MRO as a cancelled test.

When a negative urine drug test result is required (as is the case with pre-employment, return to duty and follow up test types) the employer must conduct another drug test on the individual. For some categories of cancelled drug tests, the MRO will indicate that a re-collection of a specimen using direct observation specimen collection procedures is required, regardless of test type. Direct observation collection procedures will be in accordance with 49 CFR Part 40.67 as amended. The MRO may also direct an employee to undergo a medical evaluation to determine whether or not clinical evidence of drug use exists when there are documented medical explanations for an individual producing invalid

specimens and a negative result is needed for a pre-employment, return to duty or follow-up test.

For alcohol testing, a test that is deemed to be invalid per 49 CFR Part 40.267, shall be cancelled and therefore considered neither positive nor negative.

25. Split Specimen Testing

Split specimen collection procedures will be followed in obtaining specimens. An employee is entitled to request, within 72 hours of learning of a verified positive test result, that the split specimen be tested at a different DHHS certified laboratory than that which conducted the test of the primary specimen. If the test result of the split specimen fails to reconfirm the presence of the drug or drug metabolite, the test result shall be ruled "Canceled". The procedures for canceled tests, as outlined in 49 CFR Part 40.187, will be followed. If the test result of the split specimen is positive, the test results shall be deemed positive. If the laboratory's test of the primary specimen is positive, adulterated or substituted and the split specimen is unavailable for testing, a recollection under direct observation is required. Direct observation collection procedures will be in accordance with 49 CFR Part 40 as amended.

Split Specimen Testing is not authorized for test results reported by the MRO as "Invalid".

Payment of Split Specimen Testing:

When an employee has made a request to the MRO for a test of the split specimen, Hart County is required to ensure that the cost for the split specimen testing is covered, in order for a timely analysis of the sample. Hart County will seek reimbursement from the employee for the cost of the completed test, if the results reconfirm the original positive finding.

25. Alcohol

Alcohol is a socially acceptable substance that is consumed throughout the world. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant it slows down physical functions and progressively impairs mental functions.

For the purposes of this policy, alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication containing alcohol. 49 CFR Part 655 authorizes alcohol testing and requires Hart County to take action on the findings, regardless of whether it was ingested as a beverage alcohol or in a medicinal or other preparation.

26. Alcohol Use and Breath Alcohol Testing

No safety-sensitive employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater. If there is actual knowledge that an employee may be impaired by alcohol while performing safety sensitive functions, the employee shall not be permitted to perform or continue to perform safety-sensitive functions, pending a reasonable suspicion interview, conducted per Section 13 No safety-sensitive employee shall use alcohol while performing safety-sensitive functions, within (4) four hours prior to performing a safety sensitive function, or during the hours that they are on call or standby for duty. No safety-sensitive employee shall use alcohol within eight (8) hours following an accident or until the employee undergoes a post-accident test, whichever occurs first.

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device which is also approved by NHSTA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted at least fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended.

In accordance with the provisions of 49 CFR Part 40, as amended, the results of both the screening and confirmation of breath alcohol tests, as applicable, shall be displayed to the individual being tested immediately following the test(s).

The results of breath alcohol testing will be transmitted by the breath alcohol technician to Hart County in a confidential manner, in writing, in person, by telephone or electronic means in accordance with 49 CFR Part 40, as amended. All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended.

Hart County affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

Handling of tests and confidentially shall be in conformance with 49 CFR Part 40, and as described below:

If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test (within 15 minutes). A safety-sensitive employee who has a confirmed alcohol concentration of equal to or greater than 0.02 but less than 0.04 will result in removal from his/her position for (8) eight hours unless a retest results in a concentration measure of less an 0.02.

An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. An employee testing positive for alcohol will be immediately removed from safety sensitive duty and will be provided with a referral to a DOT qualified Substance Abuse Professional, in accordance with 49 CFR Part 40, as amended.

Per Hart County authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.

27. Refusal to Submit to Alcohol Testing

The following actions constitute a refusal to submit to Alcohol Testing:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer.
- (2) Fail to remain at the testing site until the testing process is complete
- (3) Fail to provide an adequate amount of saliva or breath for any alcohol test required by this part or DOT agency regulations
- (4) Fail to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
- (5) Fail to sign the certification at Step 2 of the ATF
- (6) Fail to cooperate with any part of the testing process.
- (7) Consumes alcohol within eight hours following involvement in an accident without first having submitted to post-accident alcohol tests.
- (8) Leaving the scene of an accident without a legitimate explanation prior to submission to an alcohol test.

Following a positive or refused alcohol test, a referral to a Substance Abuse Professional that has knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders, and who meets the qualifications outlined in 49 CFR Part 40.281 Subpart O will be provided.

Per Hart County authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.

28. Policy Violations

Per Hart County authority, violation of this substance abuse policy will result in termination of employment and/or exclusion from hire.

29. Grievance and Appeal

The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test refusal is not subject to arbitration.

30. Proper Application of the Policy

Hart County is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

31. Information Disclosure

- 1) Drug/alcohol testing records shall be maintained by the Hart County Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.
- 2) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.
- 3) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, Department Supervisor and Personnel Manager on a need to know basis.
- 4) Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- 5) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.

- 6) Records will be released to the National Transportation Safety Board during an accident investigation.
- 7) Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
- 8) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- 9) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over Hart County or the employee.
- 10) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended necessary legal steps to contest the issuance of the order will be taken
- 11) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

32. System Contacts

Drug and Alcohol Program Manager or Designated Employer Representative

Name: Tracy Patrick
Address: 139 Clay Street Hartwell Georgia 30643
Phone: 706-376-3975
E-mail: tpatrick@hartcountygga.gov

Alternate

Name:
Address:
Phone:
E-mail:

Substance Abuse Professional

Name: James R. Flanigan, LCSW, MAC, SAP
Address: 700 Sunset Drive Bldg. 200, Ste. 202 Athens GA 30606
Phone: 706-548-8846

National Hot-Line Numbers and Help Lines:

1-800-COCAINE

The American Council on Alcoholism Help Line
1-800-527-5344

The National Institute on Drug Abuse Hot Line
1-800-662 HELP

Alcoholics Anonymous 212-686-1100

Attachment A

Category 1 Employees:

<u>Job Title</u>	<u>Job Duties</u>	<u>Testing Authority</u>
Senior Center Director	Supervising programs & events	Hart County
Master Mechanic	Supervises transit services	
Mechanic/Welder	Responsible for repairing & maintaining a variety of vehicles & equipment	
Mechanic/Welder	Responsible for repairing & maintaining a variety of vehicles & equipment	
Maintenance Shop Superintendent	Directing the operations of the Maintenance Shop	
Transit Van Driver	Driving a van to transport citizens of the county to various locations	
Maintenance Supervisor	Diagnosing & correcting mechanical problems on a variety of heavy equipment & emergency vehicles	
Mechanic	Responsible for repairing & maintaining a variety of vehicles & equipment	

Category 2 Employees

All other county employees

Attachment B

DEFINITIONS

Accident: An occurrence associated with the operation of a revenue service vehicle even when not in revenue service, if as a result:

- a. An individual dies;
- b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- c. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, disabling damage means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.

Adulterated specimen: A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

Alcohol Concentration: Expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath testing device.

Aliquot: A fractional part of a specimen used for testing, It is taken as a sample representing the whole specimen.

Canceled Test: A drug test that has been declared invalid by a Medical Review Officer. A canceled test is neither positive nor negative.

Confirmatory Drug Test: A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or metabolite.

Confirmatory Validity Test: A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

Covered Employee: An employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function

(See Attachment A for a list of covered employees), and other employees, applicants, or transferee that will not perform a safety-sensitive function but falls under the policy of the company's own authority.

Designated Employer Representative (DER): An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

Department of Transportation (DOT): Department of the federal government which includes the, Federal Transit Administration, Federal Railroad Administration, Federal Highway Administration, Federal Motor Carriers' Safety Administration, Pipeline & Hazardous Materials Safety Administration, United States Coast Guard, and the Office of the Secretary of Transportation.

Dilute specimen: A urine specimen with creatine and specific gravity values that are lower than expected for human urine.

Disabling damage: Damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.

Evidentiary Breath Testing Device (EBT): A Device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations. Approved devices are listed on the National Highway Traffic Safety Administration (NHTSA) conforming products list.

Initial Drug Test: (Screening Drug Test) The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial Specimen Validity Test: The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid

Invalid Result: The result reported by an HHS-certified laboratory in accordance with the criteria established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification program as meeting standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Limit of Detection (LOD): The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

Limit of Quantitation: For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.

Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

Negative Dilute: A drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

Negative result: The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen.

Non-negative test result: A urine specimen that is reported as adulterated, substitute, invalid, or positive for drug/drug metabolites.

Oxidizing Adulterant: A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects the reagents in either the initial or confirmatory drug test.

Performing (a safety-sensitive function): A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive result: The result reported by an HHS- Certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.

Prohibited drug: Identified as marijuana, cocaine, opiates, amphetamines (including ecstasy), or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

Reconfirmed: The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

Rejected for Testing: The result reported by an HHS- Certified laboratory when no tests are performed for specimen because of a fatal flaw or a correctable flaw that has not been corrected.

Revenue Service Vehicles: All transit vehicles that are used for passenger transportation service or that require a CDL to operate. Include all ancillary vehicles used in support of the transit system.

Safety-sensitive functions: Employee duties identified as:

- (1) The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.
- (2) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL).
- (3) Maintaining a revenue service vehicle or equipment used in revenue service.
- (4) Controlling the movement of a revenue service vehicle and
- (5) Carrying a firearm for security purposes.

Split Specimen Collection: A collection in which the urine collected is divided into two separate bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Substance Abuse Professional (SAP): A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC); or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse (ICRC); or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC)) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Substituted specimen: A urine specimen with creatinine and specific gravity values that are so diminished that they are not consistent with normal human urine.

Test Refusal: The following are considered a refusal to test if the employee:

- (1) Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, after being directed to do so by the employer
- (2) Fails to remain at the testing site until the testing process is complete
- (3) Fails to attempt to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations
- (4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen
- (5) Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
- (6) Fails or declines to take a second test the employer or collector has directed you to take
- (7) Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" or "shy lung" procedures
- (8) Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts

the collection process)

- (9) If the MRO reports that there is verified adulterated or substituted test result
- (10) Failure or refusal to sign Step 2 of the alcohol testing form
- (11) Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
- (12) Possess or wear a prosthetic or other device that could be used to interfere with the collection process
- (13) Admit to the collector or MRO that you adulterated or substituted the specimen.

Verified negative test: A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

Verified positive test: A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

Validity testing: The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

Attachment C

Alcohol Fact Sheet

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use

- ☐ Dulled mental processes
- ☐ Lack of coordination
- ☐ Odor of alcohol on breath
- ☐ Possible constricted pupils
- ☐ Sleepy or stuporous condition
- ☐ Slowed reaction rate
- ☐ Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

• Health Effects

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:

- ☐ Decreased sexual functioning
- ☐ Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed “alcoholic”)
- ☐ Fatal liver diseases

- ☐ Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- ☐ Kidney disease
- ☐ Pancreatitis
- ☐ Spontaneous abortion and neonatal mortality
- ☐ Ulcers
- ☐ Birth defects (up to 54 percent of all birth defects are alcohol related).

▪ Social Issues

- ☐ Two-thirds of all homicides are committed by people who drink prior to the crime.
- ☐ Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- ☐ Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
- ☐ The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
- ☐ Forty percent of family court cases are alcohol problem related.
- ☐ Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- ☐ More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

▪ The Annual Toll

- ☐ 24,000 people will die on the highway due to the legally impaired driver.
- ☐ 12,000 more will die on the highway due to the alcohol-affected driver.
- ☐ 15,800 will die in non-highway accidents.
- ☐ 30,000 will die due to alcohol-caused liver disease.

- ☐ 10,000 will die due to alcohol-induced brain disease or suicide.
- ☐ Up to another 125,000 will die due to alcohol-related conditions or accidents.

- Workplace Issues

- ☐ It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- ☐ Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- ☐ A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

Attachment D

Minimum Thresholds

INITIAL TEST CUTOFF LEVELS (ng/ml)

Marijuana metabolites(1)	50
Cocaine metabolites(2)	300
Opiate metabolites(4)	2,000
Phencyclidine	25
Amphetamines	1,000

CONFIRMATORY TEST CUT/OFF LEVELS (ng/ml)

Marijuana metabolites(1)	15
Cocaine metabolites(2)	150
Opiates: (4)	
Morphine	2,000
Codeine	2,000
Phencyclidine	25
Amphetamines:	
Amphetamines	500
Methamphetamine(3)	500

(1) Delta 9-tetrahydrocannabinol-9 carboxylic acid; (2) Benzoylcegonine;
(3) Specimen must also include amphetamine at a concentration greater than or equal to 200 ng/mL; (4) Laboratories must report quantitative values for morphine or codeine at 15,000ng/mL or above.

2.9 Smoking

Smoking is not allowed in any building or structure owned or leased by the County or its departments, and is not allowed in vehicles owned or leased by the County or its departments, except when a county employee is alone in said vehicle.

2.10 County-Owned Property

(a) No employee shall take or use for personal purposes any county property, equipment or supplies. All employees shall use county property in the manner authorized by his or her department head. County property may be used for personal purposes if needed in an emergency in cases of sickness or injury. The abuse or misuse of county property shall be subject to appropriate disciplinary action.

(b) Employees who are "on call" are authorized to take county vehicles to their residences with the permission of their department head. However, personal use of any county vehicle is strictly prohibited.

(c) While on duty, employees shall not use the telephone for personal calls when those calls interfere with the employee's duties or business use of the telephone. Personal telephone calls should be infrequent and kept as short as possible. Employees are strictly prohibited from making personal long distance phone calls on county telephones unless such calls are charged to the employee's personal telephone number.

2.11 Surrender of Property

When employment ends for any reason, the employee shall deliver all equipment, uniforms, records and other items of county property to his or her department head before final payment is made to the employee. The employee shall certify that all such county records and property has been returned, and any shortage shall be withheld from the employee's final compensation.

2.12 Communication

If any employee wishes to bring a matter to the attention of the Board of Commissioners, he or she shall accomplish such communication "through the channels," i.e., to the department head, then to the County Administrator, who shall present the matter to the Board of Commissioners for its information and consideration. The employee's communication shall proceed through the channels without unreasonable delay, and shall not be stopped at any point before consideration by the Board of Commissioners. However, the matter may be resolved at any point along the communication process. If any employee feels that this method of communication is not sufficient, he or she may send a copy of such communication directly to the Chairman of the Board of Commissioners.

2.13 Political Activity

In order to avoid the appearance of a conflict of interest, and to preserve the impartiality of all county employees, no employee shall hold a compensated elective public office in any governmental unit (local, state or federal). In addition, employees shall not solicit contributions or services for any candidate for elective public office, and shall not endorse or actively support any candidate for local public office during working hours. However, this policy shall not prevent a county employee who presently holds or is appointed to a county office from seeking election or reelection to that office, and it shall not prevent a county employee from holding the office of Coroner or County Surveyor.

2.14 Voting Rights

No employee shall be given or refused employment, suspended or discharged because of his or her vote or failure to vote in any primary or election.

2.15 Solicitation

Employees shall not solicit funds or support for any purpose from the public or other employees while on duty, except such charitable organizations as are approved by the Board of Commissioners in advance. Employees in uniform shall not solicit funds from the public at any time.

2.16 Distribution of Literature

Employees shall not distribute political or religious literature of any kind in working areas or on county property.

2.17 Sexual Harassment

Sexual harassment is a form of sex discrimination that undermines the integrity of the employment relationship, violates policy, and is illegal under the law. Hart County Board of Commissioners will not tolerate sexual harassment in the workplace.

Definitions

No employee—either male or female—should be subject to unwelcome verbal or physical conduct that is sexual in nature or that shows hostility to the employee because of the employee's gender. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that debilitates morale, and that, therefore interferes with work effectiveness.

Unwelcome sexual advances (either verbal or physical), requests for favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either an explicit or implicit term or condition of employment (e.g.; promotion, training, timekeeping, overtime assignments, leaves of absence, etc.); or
2. Submission to or rejection of the conduct is used as a basis for making employment decisions; or
3. The conduct has the purpose or effects of substantially interfering with an individual's work performance, or creating an intimidating, hostile or offensive work environment.

Scope

The Hart County Board of Commissioners strictly prohibits sexual harassment during work, during business involving the Hart County Board of Commissioners, or while on Hart County property by an employee (including customers, visitors, and independent contractors).

Management Responsibility

Management at all levels of the Hart County Government is responsible for preventing sexual harassment in the workplace. This responsibility includes immediately reporting conduct by anyone, whether a co-worker, supervisor, or non-employee, that may constitute sexual harassment, even if the conduct was sanctioned regardless of how awareness of conduct was gained.

In furtherance of this policy, management employees will not have social relationships of sexual nature with employees under their direct line of supervision.

Management employees will not allow personal friendships or social relationships, on or off the job, to influence their treatment of subordinate employees or their employment decisions.

Procedure

Employees

An employee who believes that he or she has been subjected to sexual harassment by anyone is encouraged – but not required– to promptly tell the person that the conduct is unwelcome and ask the person to stop the conduct. A person who receives such a request must immediately comply with it and must not retaliate against the employee for rejecting the conduct.

1. Complaints of sexual harassment should be brought to the attention of the County Administrator. Complaints against the County Administrator, elected or appointed officials should be brought to the attention of the Board of Commissioners Chairman.
2. The employee may choose to raise the complaint through his or her immediate supervisor, who will in turn contact the County Administrator, regardless of how he or she became aware of the conduct. Even if the sexual harassment was sanctioned or involves persons who work in a different department; the management representative will report it.

Investigation

After notification of the employee's complaint, a confidential investigation will immediately be initiated to gather all facts about the complaint. The investigation will be conducted by the County Administrator and/or the personnel designated by the County Administrator to assist in the investigation. After the investigation has been completed, appropriate management regarding resolution of the case will make a determination. If warranted, disciplinary action will be taken up to and including involuntary termination, to stop the harassment and prevent its recurrence. The County Administrator will, in any event, notify the employee who made the complaint of the outcome of his/her investigation.

Retaliation

This policy also prohibits retaliation against employees who bring sexual harassment complaints or assist in investigation complaints. Retaliation in violation of this policy may result in discipline up to and including termination. Any employee who brings a sexual harassment complaint or assists in the investigation of such complaint will not be adversely affected in terms and condition of employment, nor discriminated against or discharged because of the complaint.

2.18 Appropriate Dress

The clothing of county employees should be appropriate to their job responsibilities.

2.19 Presence of Children

The children of county employees cannot be kept by their parents at work; if child care is not available, the employee should take personal leave in order to look after their children.

2.20 County Vehicles

(a) Obedience of Traffic Regulations. Drivers of county vehicles must use caution and obey all federal, state and local traffic regulations.

(b) **Seat Belt and Operator Restraint Policy.** This county recognizes that safety belts and operator restraints are an important and effective item of protective equipment, and many people needlessly die and are injured due to their failure to use available seat belts or operator restraints. Therefore, when a county employee drives or rides in a motor vehicle or operates a piece of county equipment equipped with operator restraining devices (backhoe, motor grader, tractors, etc) while on the job, he/she MUST use seat belts or operator restraining devices. Any county employee failing to comply with Seat belt and operator restraint policy shall be subject to disciplinary actions up to and including termination as listed in Section 8 of the county policy. (Amended 7-12-2011)

(c) **Reporting Violations and Accidents.** A county employee whose job entails driving a county vehicle must report immediately any traffic violation with which he or she is charged or accident in which he or she is involved to his or her department head; any such employee shall also sign an authorization allowing periodic license checks during his/her employment with the county.

(d) **Commercial Drivers License.** If a county employee's position requires a commercial drivers license, he or she will be subject to drug testing as required by federal law, and shall be immediately terminated upon suspension or revocation of the commercial drivers license.

(e) **Serious Offenses**

(1) **Driving under the Influence.** Any county employee charged with Driving Under the influence (DUI) while operating a county vehicle shall be immediately suspended without pay pending disposition of the charge; upon conviction, the employee will be dismissed. In the event that an employee whose job entails driving a county vehicle is charged with DUI during off-duty hours in a private vehicle, he/she shall, at a minimum, be suspended for a period of one week without pay. Any second offense shall result in immediate dismissal.

(2) Other Offenses. Any employee whose job entails driving a county vehicle shall be immediately suspended without pay upon being charged with any offense which results in a mandatory suspension of his/her license, including but not limited to those offenses listed at O.C.G.A. §40-5-54, to wit: (1) homicide by vehicle; (2) manslaughter resulting from the operation of a vehicle; (3) any felony in the commission of which a motor vehicle is used; (4) hit and run; (5) racing; (6) using a motor vehicle in fleeing or attempting to elude an officer; or (7) fraudulent or fictitious use of a license. Upon conviction, the employee will be dismissed.

2.21 Travel

If prior approval is obtained from an employee's Department Head, an employee may be reimbursed for meals while engaged in such business related travel and also receive a travel mileage reimbursement if the employee uses his or her own vehicle for such travel. The rates for such reimbursement may be set from time to time by the Board of Commissioners.

2.22 Office Hours

The office hours of all county offices shall be set by the department head, subject to approval by the County Administrator and the Board of Commissioners.

2.23 Timekeeping

A time card with the employee's name shall be provided for each county employee; time cards are official records of hours worked. If a time clock is used, all employees must punch in and out upon reporting for and leaving work. Missing or incorrectly punched time cards should be reported immediately to the department head, who shall immediately report same to the board office. Deliberately punching someone else's time card or having someone else punch the employee's time card is

cause for discipline, up to and including termination. If another employee's time card is punched in error, it should be reported immediately to the board office.

It is each employee's specific responsibility to see that their job information and time are recorded accurately and legibly as well as turned in on time. Time sheets must be turned in to the board office no later than the end of the business day on Wednesday preceding pay day.

2.24 Safety Statement and Rules

SAFETY STATEMENT

The Hart County Government acknowledges that a valid safety program is an important function of our operational and administrative systems. We also acknowledge that the function of a safety program pertains to all employees of our various departments.

The health and safety of all Hart County employees is of primary importance and each department and employee shall endeavor to maintain a safety conscious attitude throughout its operations.

In adherence to this policy, all employees are expected to accept the concept that the safe way to accomplish a task is the most efficient and the only way to perform it.

Safety performance is an important measurement of supervisory and employee performance and will be included in the evaluation of all employees.

SAFETY RULES

1. The safe way to accomplish a task is the most efficient and the only way to perform it.
2. Safety hazards are to be reported immediately to your supervisor.

3. All work areas and walkways are to be kept free of clutter.
4. All spills of water, oil or other liquids are to be so indicated by warning signage and are to be cleaned immediately. Do not assume someone else will do it.
5. Seat belts are to be worn at all times whether operating a piece of equipment, driving or as a passenger in any Hart County owned vehicle.
6. Personal Protective Equipment such as gloves, helmets, eye and ear wear,
7. Shoes / boots, turnout gear and respiratory equipment is to be used accordingly.
8. All employees are to utilize proper lifting techniques. Help should be sought for moving / lifting heavy or cumbersome objects.
9. All vehicles and equipment should be inspected prior to operating. Faulty lights, warning devices and safety guards should be in place and operational as well as completing the needed repairs prior to operation.
10. Do not overload electrical outlets or extension cords. Electrical equipment is never to be used in wet environments.
11. Do not use a piece of equipment if you are not familiar with its use and operational limits.
12. All employees should be familiar with the location of fire extinguishers and first aid kits and their use.
13. Tobacco use is to be limited to the appropriate areas and is to never be used near flammable products.

14. While performing maintenance on any piece of equipment or vehicle the equipment should be disabled as with the use of a “lock out – tag out” system, disconnected from electrical power where applicable and vehicles should be secured in a manner that prevents rolling, shifting or inadvertent startups.
15. All flammable liquids, gases, and sharps are to be stored in a safe manner and as recommended by Federal, State and local regulations.
16. When in doubt ask. Remember that the safe way is the best way.

2.25 Network and Internet Usage Policy

Hart County is pleased to offer associates access to the organization's computer Network and the Internet. This Policy applies to employees granted Network and Internet access by Hart County Government. For Hart County to continue making Network and Internet access available, employees must behave appropriately and lawfully. Upon acceptance of your account information and agreement to follow this Policy, you will be granted Network and Internet access in your office. If you have any questions about the provisions of this Policy, you should contact the Department Head or Elected Official of your department. If you or anyone you allow to access your account (itself a violation of this Policy) violates this Policy, your access will be denied or withdrawn. In addition, you may be subject to disciplinary action, up to and including termination.

Personal Responsibility:

By accepting your account password and related information, and accessing the County's Network or Internet system, you agree to adhere to this Policy. You also agree to report any Network or Internet misuse to the Department Head or Elected Official of your department. Misuse includes Policy violations that harm another person or another individual's property.

Term of Permitted Use:

Network and Internet access extends throughout the term of your employment provided you do not violate the organization's Computer Network and Internet Usage Policy. Note: Hart County may suspend access at any time for technical reasons, Policy violations, or other concerns.

Purpose and Use:

Hart County offers access to its Network and Internet system for business purposes only. If you are unsure whether an activity constitutes appropriate business use, consult the Department Head or Elected Official of your department.

Netiquette Rules:

Employees must adhere to the rules of Network etiquette, or Netiquette. In other words, you must be polite, adhere to the organization's electronic writing and content guidelines, and use the Network and Internet, appropriately and legally. Hart County with input from the Department Head or Elected Official of your department will determine what materials, files, information, software, communications, and other content and activity are permitted or prohibited, as outlined below.

Banned Activity:

The following activities violate the County's Computer Network and Internet usage Policy:

(A) Using, transmitting, receiving, or seeking inappropriate, offensive, vulgar, suggestive, obscene, abusive, harassing, belligerent, threatening, defamatory (harming another person's reputation by lies), or misleading language or materials.

(B) Revealing personal information, such as the home address, telephone number, or Social Security number of another person or yourself.

(C) Making ethnic, sexual-preference, or gender-related slurs or jokes.

(D) Engaging in illegal activities, violating the Employee Handbook, or encouraging others to do so.

Examples:

1. Selling or providing substances prohibited by the County's employment policy or the Employee Handbook.

2. Accessing, transmitting, receiving, or seeking unauthorized, confidential information about clients or colleagues.

3. Conducting unauthorized business.

4. Viewing, transmitting, downloading, or searching for obscene, pornographic, or illegal materials.

5. Accessing others' folders, files, work, networks, or computers. Intercepting communications intended for others.

6. Downloading or transmitting the organization's confidential information.

(E) Causing harm or damaging others' property. Examples:

1. Downloading or transmitting copyrighted materials without permission from the copyright holder. Even when materials on the Network or the Internet are not marked with the copyright symbol, ©, employees should assume all materials are protected under copyright laws—unless explicit permission to use the materials is granted.

2. Using another employee's password to trick recipients into believing someone other than you is communicating or accessing the Network or Internet.

3. Uploading or downloading a virus, harmful component, or corrupted data vandalizing the network.

4. Using software that is not licensed or approved by Hart County.

(F) Jeopardizing the security of access, the Network, or other Internet Networks by disclosing or sharing passwords and/or impersonating others.

(G) Accessing or attempting to access controversial or offensive materials. Network and Internet access may expose employees to illegal, defamatory, inaccurate, or offensive materials. Employees must avoid these sites. If you know of employees who are visiting offensive or harmful sites, report that use to the Department Head or Elected Official of your department.

(H) Engaging in non-governmental commercial activity. Employees may not sell or buy anything over the Internet. Employees may not solicit or advertise the sale of any goods or services. Employees may not divulge private information—including credit card numbers and Social Security numbers—about themselves or others.

(I) Wasting the County's computer resources. Specifically, do not waste printer toner or paper. Do not send electronic chain letters. Do not send e-mail copies to nonessential readers. Do not send e-mail to group lists unless it is appropriate for everyone on a list to receive the e-mail. Do not send organization-wide e-mails without your supervisor's permission.

(J) Encouraging associates to view, download, or search for materials, files, information, software, or other offensive, defamatory, misleading, infringing, or illegal content

Confidential Information:

Employees may have access to confidential information about the County, our employees, and our citizens. With the approval of management, employees may use e-mail to communicate confidential information internally to those with a need to know. Such e-mail must be marked "Confidential." When in doubt, do not use unencrypted e-mail to communicate confidential material. When a matter is personal, it may be more appropriate to send a hard copy, place a phone call, or meet in person.

Privacy:

Network and Internet access is provided as a tool for our organization's business. Hart County Board of Commissioners reserves the right to monitor, inspect, copy, review, and store at any time and without prior notice any and all usage of the Network and the Internet, as well as any and all materials, files, information, software, communications, and other content transmitted, received, or stored in connection with this usage. All such information, content, and files are the property of Hart County. You should have no expectation of privacy regarding them. Network administrators may review files and intercept communications for any reason, including but not limited to maintaining system integrity and ensuring employees are using the system consistently with this Policy.

Noncompliance:

Your use of the Network and the Internet is a privilege, not a right. Violate this policy and, at minimum, your access to the Network and the Internet will be terminated, perhaps for the duration of your tenure with the Hart County. Policy breaches include violating the above provisions, and failing to report violations by other users. Permitting another person to use your account or password to access the Network or the Internet-including but not limited to someone whose access has been denied or terminated is a violation of Policy. Should another user violate this Policy while using your account, you will be held responsible, and both of you will be subject to disciplinary action. Criminal violations may lead to criminal or civil prosecution.

Hart County Email Policy

Hart County provides employees with electronic communications tools, including an Email System. This written Email Policy, which governs employees' use of the Hart County's email system, applies to email use at the County headquarters and district offices, as well as at remote locations, including but not limited to employees' homes, airports, hotels, client and supplier offices. Hart County's email rules and policies apply to full-time employees, part-time employees, independent contractors, interns, consultants, suppliers, clients, and other third parties. Any employee who violates the Hart County's email rules and policies is subject to disciplinary action, up to and including termination.

Email Exists for Business Purposes:

Hart County allows email access primarily for business purposes. Employees may use the Company's email system for personal use only in accordance with this policy. Employees are prohibited from using personal email software (Hotmail, etc.) for business or personal communications at the office.

Authorized Personal Use of Email:

Employees may use email to communicate with spouses, children, domestic partners, and other family members. Employees' personal use of email is limited to lunch breaks and work breaks only. Employees may not use email during otherwise productive business hours. Employees are prohibited from using email to operate a business, conduct an external job search, solicit money for personal gain, campaign for political causes or candidates, or promote or solicit funds for a religious or other personal cause.

Employees Have No Reasonable Expectation of Privacy:

E-mail messages created and transmitted on Hart County's computers are the property of Hart County. Hart County reserves the right to monitor all email transmitted via the Hart County's computer system. Employees have no reasonable expectation of privacy when it comes to business and personal use of the Hart County's email system.

Hart County reserves the right to Monitor, Inspect, Copy, Review, and Store:

At any time and without notice any and all usage of email, and any and all files, information, software, and other content created, sent, received, downloaded, uploaded, accessed, or stored in connection with employee usage. Hart County reserves the right to disclose email text and

images to regulators, the courts, law enforcement, and other third parties without the employee's consent.

Offensive Content and Harassing or Discriminatory Activities Are Banned:

Employees are prohibited from using email to engage in activities or transmit content that is harassing, discriminatory, menacing, threatening, obscene, defamatory, or in any way objectionable or offensive.

Employees are prohibited from using email to:

- Send, receive, solicit, print, copy, or reply to text or images that disparage others based on their race, religion, color, sex, sexual orientation, national origin, veteran status, disability, ancestry, or age.
- Send, receive, solicit, print, copy, or reply to jokes (text or images) based on sex, sexual orientation, race, age, religion, national origin, veteran status, ancestry, or disability.
- Send, receive, solicit, print, copy, or reply to messages that are disparaging or defamatory.
- Spread gossip, rumors, and innuendos about employees, clients, suppliers, or other outside parties.
- Send, receive, solicit, print, copy, or reply to sexually oriented messages or images.
- Send, receive, solicit, print, copy, or reply to messages or images that contain foul, obscene, off color, or adult-oriented language.
- Send, receive, solicit, print, copy, or reply to messages or images that are intended to alarm others, embarrass the Company, negatively impact employee productivity, or harm employee morale.

Confidential, Proprietary, and Personal Information Must Be Protected:

Unless authorized to do so, employees are prohibited from using unencrypted email to transmit confidential information to outside parties. Employees may not access, send, receive, solicit, print, copy, or reply to confidential or proprietary information about the County, employees, clients, suppliers, and other business associates. Confidential information includes but is not limited to client lists, credit card numbers, Social Security numbers, employee performance reviews, salary details, trade secrets, passwords, and information that could embarrass and cause liability for Hart County and employees were it to be made public.

Do Not Use Email to Communicate with Lawyers:

In order to preserve the attorney-client privilege for communications between lawyers and clients, never use unencrypted e-mail to seek legal advice or pose a legal question.

Record Retention:

E-mail messages are written records, and are subject to the Hart County's written and consistently

applied rules and policies for retaining and deleting records. See the Hart County's record retention policy for more information.

Violations:

These guidelines are intended to provide Hart County employees with general examples of acceptable and unacceptable use of the Hart County's email system. A violation of this policy may result in disciplinary action up to and including termination.

Section 3

Attendance,
Leave,
Holidays and
Work Related
Injuries or
Illness Return
to Work

3.1 Work Period, Overtime and Compensatory Time

(a) Working Hours. Subject to the approval of the County Administrator, each county department head shall establish the working hours for employees under his/her direction, and may establish other attendance rules as he/she deems necessary.

(b) Work Period. Except as provided herein, for all regular county employees covered by the FLSA, the work period is seven consecutive days from Thursday through Wednesday, and overtime at the rate of 1.5 times the employee's hourly rate shall be paid for all hours over forty (40) worked in each such work period. Employees shall be prohibited from working in two county departments consecutively for more than forty (40) total hours per week or in any situation where overtime would be earned. An employee is covered by the FLSA unless he/she falls under the exempt categories. Exempt employees will receive their normal salary for all work periods. Each employee's status under the FLSA shall be determined by their department head and the County Administrator.

(c) Work Period for Law Enforcement Personnel. Pursuant to 29 C.F.R. Part 553 and Section 207(k) of the Fair Labor Standards Act, the work period for qualified law enforcement personnel is hereby established as 28 consecutive days. Within that work period, such employees can work up to 171 hours without overtime pay or the accrual of compensatory time.

(d) Pay Period and Payday. County employees will be paid by check every two weeks. The biweekly pay period is from Thursday through Wednesday; the employee's time card or

time sheet must be turned in on the Wednesday preceding payday, and a check is issued every other Friday after 11:00 am. If a holiday falls on the payday, paychecks will be distributed on the preceding regular work day.

(e) Holiday Pay. Regular full time employees will receive eight hours of holiday pay at their usual hourly rate for all official county holidays. If an employee works on an official holiday, he or she shall receive an additional eight hours of pay. Salaried and probationary employees will not receive holiday pay.

(f) Compensatory Time.

(1) Overtime hours will accrue compensatory time at the rate of 1.5 hours for each overtime hour worked. For all regular county employees, compensatory time cannot be accrued past 240 hours, after which time all overtime shall be compensated at 1.5 times the employee's hourly rate. All employees who work in a public safety, emergency response or seasonal activity may accrue up to 240 hours of compensatory time. When a non-exempt Public Works Department employee is called back to work after their normal hours have ended, the employee shall be paid a minimum of four (4) hours straight time.

(2) Any employee who requests the use of compensatory time shall be permitted to take such time off within a reasonable period so long as it does not unduly disrupt county operations.

(3) Upon death, termination, or resignation, any accrued compensatory time shall be made in a lump sum cash payment within sixty (60) days of any such event. Furthermore, at its sole option, the county may make

partial or complete cash payments of any accrued compensatory time.

3.2 Leave

For the purposes of this section, a day is defined as eight (8) hours and a week is defined as forty (40) hours with the exception of nonexempt law enforcement personnel and nonexempt emergency medical service (EMS) personnel, excluding secretarial positions. A day for nonexempt law enforcement personnel is defined as a maximum of twelve (12) hours depending upon the schedule worked. A day for nonexempt EMS personnel is defined as twenty-four (24) hours. Length of service will be determined as of the beginning of each fiscal year.

The use of any type of leave must be approved by employee's supervisor before the employee takes such leave, and the County Clerk's office shall receive written notification of the leave. In the case of emergency, the employee shall notify the department as soon as possible. Leave request forms will be supplied by the Board of Commissioners office.

Upon termination or death, employees or their estates will be compensated for unused vacation, sick and personal leave time, including any personal leave time accrued under the former policy.

Personal leave time may be taken by employees for sick leave during occasions of extended illness or in situations where family and medical leave is taken. Employees will not be allowed to use personal leave time for any other type of leave unless approved by the Board of Commissioners.

(a) Vacation Leave

- (1) Vacation leave is accrued by all regular county employees at the following rates:
 - 0 (after 90 day probation) up to 2 years of service: 5 days of vacation per year. (Revised December 7, 2004); "One (1) week (five days) with one (1) week taken as a whole or by the half day after the probationary period". (Revised March 23, 2005)
 - After 2 years of service up to 5 years of service: 10 days of vacation per year. (Additional 5 days of vacation will be granted upon the anniversary date of employment).
 - After 5 years of service up to 19 years of service: 15 days of vacation per year. (Additional 5 days of vacation will be granted upon the anniversary date of employment).
 - After 20 years of service: 20 days of vacation per year. (Additional 5 days of vacation will be granted upon the anniversary date of employment).
- (2) Nonexempt law enforcement personnel and EMS personnel, excluding secretarial positions may take all vacation leave time on a daily basis.
- (3) Unless approved by the County Administrator, vacation leave may not be taken for consecutive periods of greater than one week.
- (4) Employees will forfeit vacation leave not taken by the end of the fiscal year. However, employees with three (3) or more weeks of vacation may carry over to the next year one (1) week of vacation.

(b) Sick Leave

- (1) All County employees shall accrue a total of five (5) days of sick leave per year regardless of length of service to be granted at a prorated rate per month. Sick leave must be taken in one hour increments. (revised May 11, 2004)

The Board of Commissioners, at its discretion, may grant additional sick leave time in cases of extenuating circumstances.

Employees may carry forward unused sick leave indefinitely. Each employee will be compensated at the final rate of pay upon leaving county employment. (revised in work session on September 23rd, 2002, approved by BOC on September 9, 2003)

(c) Personal Leave

- (1) All county employees shall accrue three (3) days of personal leave regardless of the length of service. A minimum of one day of leave must be taken.

- (2) Personal Leave must be taken by the end of the fiscal year (September 30). It does not carry forward to the next fiscal year or accrue as "banked" time. (Effective October 1, 2003). A minimum of one half day of leave must be taken. (Amended March 23, 2005).

- (3) Public Safety employees will be compensated for any unused personal leave at fiscal year end (September 30). (As amended October 11, 2005).

(d) Family & Medical Leave

(1) 12-Week Entitlement

A family and/or medical leave of absence is an approved absence available to eligible employees for up to 12 weeks of unpaid leave during each calendar year under particular circumstances that are critical to the family's life. Leave may be taken for the following purposes:

- a. Upon the birth of the employee's child.
- b. Upon the placement of a child with the employee for adoption or foster care.
- c. When the employee is needed to care or provide psychological support for a child, spouse, or parent who has a serious health condition.
- d. When the employee is unable to perform the functions of his or her position because of a serious health condition.
- e. Upon a qualifying exigency relating to a spouse's child's, or parent's active duty or call to active duty in the National Guard of Reserves in support of a contingency operation.

A serious health condition is an illness, injury, impairment, or physical or mental condition that prevents the employee or family member from performing the functions of the job or performing other daily activities. Incapacity relating to pregnancy, prenatal care, or child birth is a serious health condition.

Qualifying exigencies include issues arising out of a family member's short notice deployment; attending military events and activities; arranging for alternative childcare; making financial and legal arrangements; attending counseling sessions; attending post-deployment activities; visiting the family member while on short-term, temporary rest leave; and any other event that the employee and employer agree is a qualifying exigency.

(2) 26-Week Entitlement

Employees may be eligible for additional leave for the following purposes:

If their child, parent, spouse, or immediate family member

1. Is a current member of the Armed Forces, including the National Guard or Reserves who

2. Suffers from a serious illness or injury incurred in the line of duty while on active duty that may render the service member medically unfit to perform his or her normal duties, and

3. Is undergoing medical treatment, recuperation or therapy; is in outpatient status; or is on the temporary disability retired list. Employees in this situation may take up to 26 weeks of leave in a single 12-month period to care for the family member. This leave is not in addition to the 12 weeks of leave available for reasons addressed above. Employees eligible for this type of leave are entitled to 26 total weeks of leave in a 12-month period, for all reasons.

(3) Scope

This policy shall apply to all family and medical leaves of absence except to the extent that this type of leave is covered under other paid county employment benefit plans or policies for any part of the 12 weeks of leave to which the employee may be entitled under this policy. If an employee is entitled to paid leave under another county benefit plan or policy, the employee must take that paid leave first. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

(4) Eligibility

An employee must have been employed with the county for at least 12 months and must have worked at least 1,250 hours within the 12-month period preceding the commencement of the leave to be considered eligible to take family and medical leave.

(5) Reinstatement

When returning from leave, employees have the right to return to a former position or an equivalent position, except for the following reason:

- a. If the employee on leave is a salaried employee and is a key employee, among the highest paid 10 percent of county employees within 75 miles, and if keeping the job open for the employee would result in substantial economic injury to the county, reinstatement to the employee on leave to an equivalent position with equivalent employment benefits as well as other terms and conditions of employment can be denied.

In this situation the employee may be given an opportunity to return to other work, if available. The employee will be notified by the county soon after leave is requested informing of key employee classification.

(6) Leave Available

Eligible employees may take up to 12 weeks of unpaid leave in a 12-month period for any of the purposes listed under “12-Week Entitlement,” above. This 12-month period begins on the first day of the approved leave. A parent who takes leave to care for a newborn, newly adopted child, or recently placed foster child must complete this leave within a year after the birth, adoption, or placement.

Eligible employees may take up to 26 weeks of unpaid leave to care for a family member who suffers a serious injury or illness in the line of duty on active duty, as described under “26-Week Entitlement,” above. This 12-month period begins on the first day of the approved leave.

(7) Basic Regulations and Conditions of Leave.

- a. The county will require medical certification to support a claim

for leave for an employee's own serious health condition or to care for a seriously ill child, spouse, or parent, or immediate family member, suffering from injury or illness in the line of duty on active duty. For the employee's own medical leave, the certification must include a statement that the employee is unable to perform the functions of his or her position. For leave to care for a seriously ill child, spouse, or parent, or immediate family member, suffering from injury or illness in the line of duty on active duty the certification must include an estimate of the amount of time the employee will be needed to provide care. In its discretion, the county may require a second medical opinion and periodic re-certifications at its own expense. If the first and second opinions differ, the county, at its own expense, may require the binding opinion of a third health care provider, approved jointly by the county and the employee. The county may ask the employee to provide other types of documentation, such as a copy of active duty orders or proof of a family relationship to the person the employee will care for.

b. If medically necessary for a serious health condition of the employee or his or her spouse, child, or parent, or immediate family member, suffering from injury or illness in the line of duty on active duty, leave may be taken on an intermittent – that is, a few hours or days at a time – or reduced leave schedule. If leave is requested on this basis, however, the county may require the employee to transfer temporarily to an alternative position that better accommodates recurring periods of absence or a part-time schedule, provided that the position has equivalent pay and benefits.

c. Spouses who are both employed by the county are entitled to a total of 12 weeks of leave instead of 12 weeks each for the birth or adoption of a child or for the care of a sick parent.

d. The county requires the employee to use accrued paid leave first while taking family and medical leave to receive pay for all or a portion of leave, as long as the reason for leave is covered by the applicable type of time off. To utilize paid leave, normal notification requirements for paid leave must be followed. If not, the employee is still entitled to take unpaid family and medical leave.

(8) Notification and Reporting Requirements

When the need for leave is foreseeable, including the birth or adoption of a child, or planned medical treatment, the employee must provide reasonable prior notice, 30 days, and make efforts to schedule leave so as not to disrupt county operations. In cases of illness, the employee will be required to report periodically on his or her leave status and intention to return to work. The county may also ask the employee to provide a fitness for duty report from a doctor before returning to work after taking leave for their own serious health condition.

(9) Status of Employee Benefits During Leave of Absence.

- a. During any FMLA leave, the employee's coverage under any county group health plan will be maintained on the same condition as coverage would have been provided if the employee had been continuously employed during the entire leave period.
- b. In the event that an employee elects not to return to work upon completion of an approved unpaid leave of absence, the county may recover from the employee the cost of any payments made to maintain the employee's benefit coverage unless the failure to return to work was for reasons beyond the employee's control. Benefit entitlements based upon length of service will be calculated as of the last paid work day prior to the start of the unpaid leave of absence.

- c. An employee who fails to return to work upon completion of an approved unpaid leave of absence is entitled to COBRA insurance coverage, which would begin on the day he/she failed to return to work or the day he/she announces they will not return.
- d. An employee who declined to maintain health insurance coverage during their leave is still eligible for COBRA coverage. Failure to reimburse the county for payments made to maintain the employee's benefit coverage will not bar the employee's eligibility for COBRA coverage.
- e. Any employee who is granted an approved leave of absence will still be eligible for any attendance or safety bonuses.
- f. Any employee who receives an on the job injury eligible for worker's compensation benefits may also be granted an approved leave of absence under this section.

(10) Notice Requirements

- a. A Request for Family and Medical Leave of Absence Form should be originated in duplicate by the employee. This form should be completed in detail, signed by the employee, submitted to the Department Head for proper approval, and forwarded to the County Administrator. The form should be submitted 30 calendar days in advance of the leave's effective date. Failing to do so may delay leave approval.
- b. All requests for family and medical leaves of absence due to illness will include a Certification of Health Care Provider containing sufficient medical certification attached to a completed Request for Family and Medical Leave of Absence Form.

c. Upon notice by an employee that his/her absence is due to a reason covered by the Family and Medical Leave Act, the county will notify the employee within two (2) days that such an absence will be designated as family and medical leave. Employees must provide enough information to determine whether the leave qualifies as family and medical leave. If leave has already been taken for the same reason, employees must refer either to the reason or to the need for family and medical leave when notice is given to the county.

(e) Military Leave

All county employees, except those employed on a temporary basis, are entitled to military leave when engaged in ordered military duty and while going to and returning from such duty.

(1) While attending service school(s) conducted by the United States armed forces, a county employee shall be entitled to military leave up to six months; however, an employee cannot absent himself for military leave for any period(s) which total greater than six months during any four-year period.

(2) Military leave shall not constitute an interruption of employment, and the employee shall not suffer a loss of diminution of time, service, increment, vacation or holiday privileges, or any other right or privilege, or be prejudiced with reference to continuation in office or employment, reappointment, reemployment, reinstatement, transfer or promotion by reason of such absence.

(3) A county employee shall receive his/her regular salary or other compensation during military leave up to 18 days each calendar year. In the event that the Governor declares an emergency and a county employee is ordered into active duty as a member of the National Guard, the employee shall receive his/her regular salary or other compensation during such duty up to 30 days each calendar year.

(4) "Ordered military duty" means (1) any military duty performed in the service of the state or the United States, including but not limited to attendance at any service school(s) conducted by the United States armed forces by a county employee who is a volunteer member of the United States armed forces or armed forces reserve force; (2) such duty performed for a period or periods not exceeding a total of 30 days in any one calendar year shall be deemed "ordered military duty."

(5) This policy on military leave shall not apply to any county employee who is involuntarily transferred, assigned, drafted or inducted into the armed forces or reserve armed forces of the United States.

(f) Civil Leave

All county employees are entitled to civil leave without loss of pay or time when the employee is subpoenaed by any court to serve as a juror or witness. The employee should report to work when not actually required to be present in court.

(g) Funeral Leave

An employee who experiences a death in his/her immediate family may take funeral leave without loss of pay or time up to two days per death per year. Funeral leave cannot be accumulated. Immediate family is defined as:

Spouse	Sibling	Parent
Stepchild	Brother-in-Law	Grandparent
Child	Grandchild	Father-in-Law
Mother-in-Law	Sister-in-Law	

(h) Leave of Absence

An employee may apply to his/her department head to be placed on leave of absence; if approved by the department head, the department head will bring the request before the Board of Commissioners and make a written recommendation. The Board of Commissioners will review the request and recommendation.

- (1) An employee will not receive pay, benefits or other compensation during such leave of absence unless specifically authorized by the Board of Commissioners.
- (2) Leave of absence must not exceed 12 months, unless extended by the Board of Commissioners.
- (3) A leave of absence cannot be obtained in order to accept and/or pursue other employment.
- (4) After a leave of absence, the employee may return to his/her former position at the same pay rate and benefit

status, if such position is still available. If the position has been filled or abolished, the employee will be offered any available comparable positions for which he/she is qualified. If no such position is available, the employee's name will be placed on the county's eligibility list and he/she will be given preference in the event of an appropriate opening.

(i) Exempt Employee Leave

At the discretion of the County Administrator, leave with pay, may be granted to exempt employees. This leave shall be requested and authorized in advance. This leave is granted in recognition of excess hours required in the performance of the job and the employee's level of performance. At the discretion of the Board Chairman, the County Administrator is also eligible for Exempt Employee Leave under the same provisions.

(j) Short Term Leave Without Pay

At the discretion of the County Administrator, short-term leave without pay may be granted to a full time permanent employee. Short-term leave without pay is intended for emergency situations of a short-term nature when all other leave has been exhausted.

(k) Holidays

The following are the official holidays that will be observed:

New Year's Day (January 1)
Martin Luther King, Jr. Day (third Monday in January)
Good Friday (Friday before Easter Sunday)
Memorial Day (last Monday in May) (revised 5/11/04)
Independence Day (July 4)
Labor Day (first Monday in September)
Thanksgiving Day and the following Friday
Christmas Eve and Christmas Day (December 24 & 25)

If a holiday falls on a Sat, it will generally be observed on the preceding Friday. If the holiday falls on a Sunday, it will generally be observed on the following Mon. However, if December 24 & 25 fall on Friday and Saturday or Saturday and Sunday, the holiday will be observed on the preceding Thursday and Friday; if December 24 falls on Sun, the holiday will be observed on the following Mon and Tues.

(l) Work Related Injuries or Illness Return to Work Policy

The County is committed to returning injured employees to work, within safe and healthy medical practices, as soon as practical. As soon as possible after the injury, and when the employee is medically able to return to work, a written medical release from the designated medical service provider must be received by the county personnel department. If the medical release specifies that the employee may return to work, the employee will be returned to work immediately or as soon as practical. The medical release should be on a county-approved **PHYSICIAN'S REPORT FORM**.

The County reserves the right to require any treating physician to review the employee's job description, including a description of essential duties, and express an opinion as to whether the employee may safely perform the essential job duties, before putting the employee back to work with or without temporary modifications or more permanent accommodations.

Section 4

Employment Practices

4.1 Equal Employment Opportunity

Hart County will not discriminate in its employment practices against any applicant or employee on account of his/her race, color, religion, sex, national origin, age, disability, or veteran status. The county will also attempt to reasonably accommodate the known disabilities of job applicants and incumbent employees except where such accommodation causes undue hardship.

County department heads are responsible for administering and complying with the county's equal employment policy as it concerns employees under their supervision.

4.2 Refusal to Accept Application

The County may refuse to accept an application from or may subsequently disqualify any applicant if the applicant:

- (1) does not possess the qualifications established for job position;
- (2) is addicted to the use of narcotics or alcohol;
- (3) made a false statement in his/her application;
- (4) used or attempted to use political pressure or bribery to secure an advantage in the screening process;
- (5) failed to submit a complete application or failed to submit the application within the prescribed time limit;
- (6) has previously been dismissed for cause or terminated as unsatisfactory from county employment;
- (7) has been convicted of a crime of moral turpitude.

4.3 Appointments

Hart County shall use two types of hiring procedures for original appointments and promotions.

(a) Competitive Appointments

Competitive appointments are the usual practice when a county employment position becomes vacant or is created; all qualified applicants will be considered for the position.

(b) Noncompetitive Appointments

When feasible, Hart County will promote county employees to job openings.

(1) If no qualified applicants are available when a vacancy occurs or when a new position is created, the department head may promote a county employee to that position on a temporary basis, with the approval of the County Administrator. The appointment may become permanent if the employee later becomes qualified for the position.

(2) Noncompetitive appointments may be made to fill temporary or part-time positions not covered by these policies.

4.4 Employment of Relatives

(a) Hart County shall not employ any member of a current employee's family whose relationship is closer than second cousin by blood in the same department, or in any capacity where an employee will supervise a relative. This policy applies to promotion, demotions, transfers, reinstatements

and new employment, but shall only be applied prospectively and shall not affect any employees who may be in violation as of the effective date of this policy.

(b) If the county institutes a reorganization which changes departmental boundaries and produces a violation of this policy, the employee or their relative should transfer to another department if possible. However, no employee shall be fired or penalized as a result of a departmental reorganization which places him/her in violation of this policy.

4.5 New Employees

Newly hired employees shall be directed to the County Clerk on his/her first day of work, where they shall be provided with information concerning their employment benefits, and have Hart County's personnel policies provided to them. At that time, they shall also fill out appropriate personnel forms and documentation.

4.6 Residency (amended 11/14/06 delete section 4.6)

Section 5

Probationary Work Period

5.1 General

A period of employment probation shall be implemented when an employee is hired, promoted or transferred. At no time during the probationary work period should an employee have an expectation of continued employment. An employee may be discharged at any time during this period with or without cause, and without the right of appeal or hearing. (Employees who complete the probationary period remain subject to dismissal with or without cause; however, regular employees enjoy the right of requesting a reconsideration). Personal leave shall not be accrued during this probationary period. Road Department or Maintenance Shop employees shall not receive uniforms until their probationary period has been successfully completed.

5.2 Length of Period

- (a) Generally, the probationary work period shall be ninety (90) days, sixty (60) days for health insurance.
- (b) The Board of Commissioners may fix a different length of time for the probationary work period for one or more classes of employees. Any such change shall apply to all positions in that class, but shall not affect the length of the probationary work period of those employees who are serving under a probationary work period at the time of the change.

5.3 Evaluation

During the probationary period, the department head shall evaluate the employee's performance at least once per month. At the conclusion of the probationary period,

the department head will provide a brief written statement indicating whether his/her performance was satisfactory or unsatisfactory; this statement will be sent to the County Administrator and shall be retained in the employee's personnel file. On the last day of the probationary period, the employee will be notified as to whether his/her employment shall continue.

5.4 Completion

An employee who performs satisfactorily during the probationary period and is offered continued employment shall be classified as a "regular" employee, but does not acquire a property right or claim of entitlement to his/her job, and is still subject to discharge with or without cause. However, a regular employee enjoys the right of requesting a reconsideration of disciplinary action.

5.5 Eligibility for County Benefits

With the exception of the County retirement plan, employees will become eligible for all county benefits beginning on the first day of the month following the employee's successful completion of the probationary period. Employees will become eligible for participation in the retirement program after completion of one year of uninterrupted full-time service with the County.

Section 6

Promotion
Transfer
Separation

6.1 Promotions

(a) A promotion is the advancement of a county employee from a lower position into a higher position; a job from a lower position means a position having a maximum salary lower than the maximum salary of the vacant position. Upon promotion, the employee shall be subject to the probationary work period as described in Section 5.

(b) In order to be promoted to a higher position, an employee should meet the minimum qualifications for that position; in the event that a nonqualified employee is promoted, such an employee must be qualified before the conclusion of his/her probationary work period.

(c) Promotions of duly qualified employees shall be made by the department head, subject to final approval by the County Administrator.

6.2 Transfers

(a) A transfer is the movement of a regular or probationary status employee to another comparable position with Hart County. The position may be made within the same class or of a different class provided the salary ranges are the same.

(b) Transfers may be interdepartmental or intradepartmental, but they must be approved by the department head(s) and the County Administrator. The County Administrator must be notified in writing prior to the actual transfer.

(c) A transferred employee shall maintain the same status, regular or probationary, as he/she had in their prior position.

(d) If an employee is transferred into a different class, he/she must meet the minimum qualifications of the new position.

6.3 Separation

(a) Resignation. An employee may resign from his/her position upon written notice to the department head. The department head shall notify the County Administrator of the resignation.

(b) Probationary Period. During an employee's probationary period, he/she may be separated from his/her position for any reason with or without cause, and without the right of an appeal.

(c) Dismissal. A regular employee may be dismissed from his/her position upon written notice from the department head, after notice to the County Administrator.

(d) Death. The department head shall report the death of an employee in his/her department to the County Administrator.

(e) Abandonment. An employee who is absent for three (3) or more consecutive days without receiving approval of leave will be considered to have voluntarily abandoned their employment. The separation will be

recorded as "not in good standing" and may affect the receipt of accrued benefits.

(f) Reduction in Force (Lay-off). Subject to review and approval by the County Administrator, a department head may lay-off any employee(s) when he/she deems it advisable because of shortage of funds, abolition of a position or department, or other material changes in duties and organization. The order in which employees will be laid-off shall be determined by the department head subject to approval by the County Administrator. This action is not considered a dismissal, and is therefore not subject to reconsideration.

Section 7

Personnel Records

7.1 *Records*

Each department head shall maintain a personnel file for each employee in his/her department. A personnel file will also be maintained at the Board of Commissioner's office, which constitutes the official and permanent county personnel file.

7.2 *Confidentiality of Records*

All personnel files and records of county employees are confidential, unless subject to the Open Records Act. Access to these records shall be restricted to county employees and other county personnel designated by the Board of Commissioners. Any disclosure of information contained in personnel records to persons other than county employees shall require the written authorization of the employee whose file information is requested. However, the Board of Commissioners reserves the right to disclose any information contained within a personnel file in the course of a request for reconsideration of disciplinary action initiated by an employee, or in compliance with the Open Records Act. The county has three business days to determine whether the information requested is subject to the Open Records Act.

7.3 *Performance Evaluation*

- (a) Each department head shall direct a system of employee performance rating which is designed to give a fair evaluation of the quantity and quality of work performed by their employees.

(b) These evaluations shall be prepared on forms provided by the County Administrator and shall be conducted at least once per year. In addition, a performance evaluation shall be made at least once per month and at the end of the probationary period for a probationary employee.

(c) Each performance evaluation should be explained to the employee by the evaluating supervisor in a private interview.

(d) The evaluation shall be signed by the supervisor, the department head, and the employee and filed in the department personnel file and the permanent personnel file maintained at the Board of Commissioner's office.

(e) The employee may receive a copy of his/her performance evaluation upon request.

Section 8

Discipline and Termination

8.1 At-Will Employment

The county reserves the right in its sole discretion to modify or change its policies and procedures from time to time as circumstances warrant. All employment with the county is terminable at-will so that the county and the employee remain free to choose to end the work relationship at any time, for any or no reason, with or without notice. Nothing in this manual is deemed to create an expressed or implied contract of employment between the employee and the county.

8.2 General Policy

Responsible employees recognize the importance of courteous, respectful and decent behavior in creating a good workplace environment. When appropriate, the county will impose discipline on a progressive basis through reprimands, suspension and termination.

8.3 Causes for Disciplinary Action

As an at-will employer, Hart County is not required to give causes of disciplinary action, nor are they required to only dismiss "for cause." However, the following is a list of possible causes for disciplinary action. This list is not exhaustive, and an employee may be disciplined for any combination of these reasons, or for reasons not listed below.

- (1) Negligence or inefficiency in performing work duties;
- (2) Unfitness to perform assigned duties;
- (3) Insubordination;

- (4) Misconduct;
- (5) Conduct reflecting discredit on the county or the employee's department;
- (6) Failure to report for work without justifiable cause;
- (7) Chronic tardiness or absenteeism;
- (8) Violation or refusal to comply with federal, state or local laws, including traffic laws and ordinances;
- (9) Theft, destruction, damage, or other unauthorized use of county property;
- (10) Abuse of alcohol or drugs;
- (11) Discourtesy to the public;
- (12) Falsification of records, including an employee's employment application;
- (13) Conduct which jeopardizes harmony among co-workers or the maintenance of discipline by a supervisor;
- (14) Conduct which jeopardizes a close working relationship where personnel loyalty and confidence is required;
- (15) Solicitation, acceptance or agreement to receive any gift, gratuity, or favor, which induces the reasonable belief that it will influence your performance or failure to perform any official action;
- (16) Improper use of official position for personal profit or advantage;
- (17) Release of false or misleading information concerning the county, or unauthorized

release of county records or files;

- (18) Violation of any provision of this Policy and Procedures Manual.

8.4 Employee Appeal

An employee may request a reconsideration of a suspension or termination by sending a written request for reconsideration to the County Administrator within ten (10) days of the disciplinary action. The County Administrator may, but is not required to conduct an informal inquiry and affirm the suspension or termination, or reach an alternate result. Should the termination or suspension be affirmed, then a hearing will be scheduled within thirty days and will take place before a hearing officer appointed by the Board of Commissioners, at which time the employee may testify and present evidence supporting his request. The hearing officer shall make a written recommendation to the Board of Commissioners within twenty days after the hearing. Based upon the hearing officer's recommendation, the Board may affirm, revise or rescind the suspension or termination. (Amended October 27, 2009).

In case of disciplinary actions including termination, employees of the Board of Assessors may submit a request for reconsideration in writing to the Chairman of the Board of Assessors. A hearing will then be scheduled within 30 days before the Board of Assessors. Following an appeal to the Board of Assessors, an aggrieved employee may further appeal to the Board of Commissioners for employment within other departments of county government. (this paragraph was added 11/14/06)

Section 9

Classification and Pay Plan

9.1 Classification Plan

Hart County shall adopt a position classification plan for all employees of Hart County. The plan will be developed so that positions may be allocated into classes according to difficulty, responsibility, degree of supervision required and exercised, character of work, and required training and experience. Class specifications will be descriptive and designed to indicate which positions should belong to the particular class, but the specifications do not prescribe the duties or responsibilities of the positions in that class, and shall not limit the authority of elected officials or department heads to change the duties and responsibilities of their employees.

Minimum qualifications are those attributes which evidence an ability to perform the work properly; minimum qualifications must be met by an applicant for the position, unless the appointee has adequately demonstrated that his/her qualifications are, in fact, equivalent to or greater than the minimum qualifications.

The classification plan may be revised or amended to reflect new or changed conditions; such revisions or amendments may be made by the Board of Commissioners after consultation with the department head and the County Administrator. Changes may be made in order to: (1) add a new position; (2) modify the duties and responsibilities of an existing position; (3) eliminate or reallocate a position; (4) reclassify a position because of additional or reduced duties.

9.2 Pay Plan

(a) *General*

Hart County shall institute a pay plan for all employment classes. The plan will provide a schedule of wage ranges for all classes appropriate to the duties and responsibilities required for each particular class. Each department head shall be aware of the number of approved positions for each job classification in his/her department.

The pay plan will be the official compensation schedule for county employees. Wage adjustments shall be based on quality and length of service, and other appropriate considerations. The pay plan may be revised by the Board of Commissioners as necessary.

(b) *New Employees*

A new employee will start at the lowest wage within the range for the class. However, credit for directly applicable experience of new hires may be granted with the recommendation of the County Administrator and approval of the Board of Commissioners. Any employee who has a break in service and is subsequently rehired will be subject to the same requirements as a newly hired employee who has no previous work experience with Hart County. A break in service does not include approved leave as established in the Hart County Handbook of Personnel Policies and Procedures.

It is mandatory that all new employees be directed to the Board of Commissioners office on his/her first day of employment in order to provide a copy and explanation of the Hart County Handbook of Personnel Policies and Procedures and a description of benefits,

and to assist the employee in completing the necessary employment forms.

No new employee, except for Temporary Appointments, will be hired until a previously filled position is vacated as evidenced by a completed "Request for Personnel Form" and a separation notice.

(c) Part Time Employees

All part time employees will earn entry level pay regardless of length of service; however, if an employee is changed from part time to full time status, the employee will be given credit for half the time served in part time employment.

(d) Salary Reduction

An employee may experience a reduction in wages, but his/her wages cannot be reduced lower than the minimum for his/her class. Any employee who is transferred to a lower paying position will receive a reduction in pay regardless of the reason for the transfer.

(e) Promotions

If an employee is promoted, his/her length of service will be recognized in the new position, with the exception of a promotion to department head level. In such cases, the employee will be compensated based on entry level pay for the corresponding pay grade. If, however, in such circumstances the employee's pay would be reduced, the employee's pay will be set at the next highest pay step for the new position as compared to his/her pay prior to promotion.

(f) Certified Positions

No employee will be hired for or promoted to a position that requires certification (i.e. Appraisers I, II, III; Paramedics; Certified Deputies; Certified Detention Officers; etc.) until copies of proper documentation indicating the successful completion of such certification has been provided to the Board of Commissioners office.

(g) Performance Evaluations

Each employee covered by the pay plan must have a performance evaluation completed annually to be eligible to receive pay increases. All evaluations must be conducted by the department head and approved by the department head's supervisor (where applicable) and the County Administrator. The County Administrator will establish the date for employee evaluations to be conducted. Further, the County Administrator will provide the required performance evaluation forms.

(h) Leave

Each employee covered by the pay plan must submit approved leave request forms for all leave time taken regardless of the type leave taken. This is a prerequisite for employees to be eligible to receive pay increases.

(i) Administrative Pay Increases

Administrative pay increases may be assigned by the County Administrator for employees identified as crew leaders of the Road Department and Sergeants in the Sheriff's Department. A maximum of one employee may be designated as a crew leader for all heavy equipment operators and one employee as crew leader for all dump truck drivers. The Sheriff may designate a

maximum of three (3) sergeants. Administrative pay increases are set at two and one half percent (2.5%).

(j) Step Raises

All step raises will be effective at the beginning of the pay period following the date on which employees become eligible for a step raise

(k) Board Authority

The Board of Commissioners shall, through the budgetary process, have final authority on all matters in the Pay Plan.

(l) Revisions

The Board of Commissioners will review the pay plan annually, and, at its discretion, may choose to adjust the plan as may be deemed appropriate.

(m) New and Vacated Positions

New positions and vacated positions will be advertised internally for one (1) week through the County Administrator's Office. If no viable candidates are identified, the positions can be externally advertised.

(n) Temporary Employee

The County Administrator is authorized to appoint a person as a temporary employee(s) to fill a temporary position. A temporary position is one that was created to remain in effect until the temporary need for which it was created has been met.

All temporary employees will earn entry-level pay for that position unless a higher pay is required to secure a person to meet the particular situation. Typically, a temporary position would not extend past three (3)

months. There is no probationary period and the appointee does not acquire permanent status.

Revisions TO HART COUNTY PERSONNEL POLICIES

- Originally adopted May 9, 1988
- Complete revision adopted on August 10, 1992
- Complete revision adopted on August 23, 1994
- Amendment to §3.2 (b) adopted on May 23, 1995
- Addition of §4.6 adopted October 2, 1995, Amendment to §2.8 adopted 10/24, 1995
- Amendment of §2.8(b)(1), §2.11, §2.17, §2.20(c), §3.1(a), §3.2(a)(3), §3.2(e), §3.2(f)(1), §3.2(f)(3), §9.2(g), insertion of §2.21 (rest of Section 2 renumbered), §4.6 and §5.5, deleted §9.2(d) and 3.2(g)(1) November 28, 1995
- Amendment of §2.8(b)(1) December 12, 1995
- Amendment of §2.8(a) and (b) (6) & (7) April 23, 1996
- Amendment of §2.9 May 28, 1996
- Amendment of §2.9 June 11, 1996
- Amendment of §2.8(a), (b)(1) through (7), and adding (c) and (d) September 9, 1997
- Amendment of §3.1(b), §3.2, deleting §3.2(a) and inserting §3.2(a) through (c) (rest of Section 3.2 renumbered), deleting §9.2(a) through (c) and inserting §9.2(a) through (c), §9.2(d), inserting §9.2(e) through (j), renumbering 9.2(e) to 9.2(k), renumbering and revising 9.2(f) to 9.2(l) on October 28, 1997
- Amendment of §3.2(g) adopted June 22, 1999
- Amendment of §3.2(d)(5)(a) September 27, 1999
- Amendment of §9.2(b)(c)(i) inserting (m) (n) June 13, 2000
- Amendment of §3.2(a)(1) and (4) inserting (i) (j) June 13, 2000
- Amendment of § 2.17 striking paragraph and inserting (a),(b), (c), (d),(e),(f) June 13, 2000
- Amendment of § 3.1 (g) November 14, 2000.
- Amendment of §2.8 July 9, 2003 and September 11, 2002 (entire section revised)
- Amendment of §3.2 (b) September 23, 2002
- Reformatted all Sections April 16, 2003
- Amendment of §2.8(h) September 4, 2003
- Amendment of §3.2 (b) & (h) Sick Leave May 11, 2004
- Amendment of §3.2 Vacation, December 7, 2004
- Amendment of §3.2 Vacation, Personal Leave March 28, 2005
- Amendment of 2.8 Substance Abuse Professional, February 14, 2006
- Amendment of 1.4 Administration, November 14, 2006
- Amendment of 4.6 Residency, November 14, 2006
- Amendment of 8.4 Employee Appeal, November 14, 2006
- Amendment of 2.1 Program Manager, February 27, 2007
- Amendment of 2.8 Negative Dilutes, February 27, 2007
- Amendment of 2.8 Intoxicants (Drug and Alcohol Testing), May 8, 2007
- Amendment of 2.8 Intoxicants, August 11, 2009
- Amendment of 8.4 Employee Appeal, October 27, 2009

- Amendment of 2.20 (b) Seat Belt and Operator Restraint Policy July 12, 2011
- Amendment of 3.2 (d) FMLA March 13, 2012
- Amendment of Section 2.8 Drug and Alcohol Testing Policy, April 8, 2014
- Amendment of Section 3.2 (L) Work Related Injuries Return To Work Policy October 14, 2014
- Amendment of Section 2.U Drug and Alcohol Program Manager or Designated Employer Representative October 28, 2014
- Addition of 2.25 Adopted October 28, 2014
- Addition of 5.2a Adopted December 9, 2014
- Amendment of Section 32 Drug and Alcohol Program Manager or Designated Employer Representative February 10, 2015

EMPLOYEE RECEIPT

This Handbook's contents reflect a general description of the policies, procedures, rules, and benefits of employment. It is intended that this be an informational booklet only.

Nothing herein contained shall be deemed a contractual right or an employment contract. I understand that I am an at-will employee, i.e., either the county or I can terminate employment at any time, for any or no reason, with or without notice. The county reserves the right to change any of its policies or benefits at any time with or without notice.

I acknowledge receipt of a county handbook. I agree to familiarize myself with the policies, procedures and rules set forth therein. I also understand and agree that this is not an employment contract.

Employee Signature _____

Employee name _____

Date _____

Department Head _____

Date _____

COMPENSATORY TIME OFF
Memorandum of Agreement

In accordance with the Fair Labor Standards Act, Hart County has a policy of granting employees compensatory time off in lieu of compensation for hours worked in excess of 40 hours a week, or other permissible work schedules for law enforcement or other personnel. A copy of this policy dated August 23, 1994 has been provided to me. I understand that the compensatory time will be granted at time and one-half for all hours worked in excess of 40 hours per week or other permissible work schedules. I further understand that the compensatory time may be limited, preserved, used or cashed out consistent with the provisions of that policy and applicable law and regulations of the U.S. Department of Labor.

I knowingly agree to the provision of time off as compensation for overtime work as a condition of continued employment and consent to the use of compensatory time in accordance with the policy. I further understand that in the event any portion of the policy is interpreted to conflict with the FLSA or its regulations, that the conflicting portion shall be struck and the remainder of the policy shall continue in full force and effect.

Employee Signature _____

Date _____